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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10
 11 MICHAEL GIRARD YACCINO,

12 Plaintiff

13 v.

14 MANADALAY BAY LLC dba MANDALAY
 15 BAY RESORT & CASINO, SHOPTALK
 COMMERCE, LLC, THINK 360, INC.,

16 Defendants

17 CASE NO.: 2:25-cv-00509-CDS-DJA

**JOINT STIPULATION AND
 ORDER TO REMAND**

[ECF No. 3]

18 Pursuant to 28 U.S.C. §§ 1477(c), Plaintiff Michael Girard Yaccino (“Yaccino”) and
 19 Defendant Think 360, Inc. (“Think 360”), by and through undersigned counsel, hereby jointly stipulate
 20 to the remand of the above-captioned case, which was removed from the Eighth Judicial District Court
 21 in Clark County, Nevada, to the United States District Court for the District of Nevada, on March 18,
 22 2025, and in support thereof respectfully states as follows:

- 23 1. On February 20, 2025, Plaintiff filed the present lawsuit in the Eighth Judicial District Court
 24 in Clark County, Nevada.
- 25 2. On March 18, 2025, Defendant Think 360 filed a petition to remove the present lawsuit to
 26 federal court.
- 27 3. The parties, including Think 360, are in agreement that removal of the present lawsuit to
 28 federal court is improper pursuant to the forum defendant rule, as Defendant Mandalay Bay is

domiciled in Nevada. *See* 28 U.S.C. § 1441(b)(2) (“A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”).

4. Therefore, the present lawsuit should be remanded for lack of subject matter jurisdiction.

5. Defendants Mandalay Bay LLC dba Mandalay Bay Resort & Casino and Shoptalk Commerce, LLC, have not yet appeared.

WHEREFORE, Defendants jointly stipulate that good cause exists to remand the present lawsuit to the Eighth Judicial District Court in Clark County, Nevada. This stipulation is without prejudice to the rights, claims, defenses, and arguments of the parties.

RESPECTFULLY SUBMITTED THIS DATE, the 24th day of March, 2025

DATED: March 24, 2025

LITCHFIELD CAVO LLP

By: /s/ Thomas E. McGrath
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III

III

1 DATED: March 24, 2025

VALIENTE MOTT, LTD.

2 By: /s/ Peter Petersen

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5 TIMOTHY ANDREW MOTT, ESQ.

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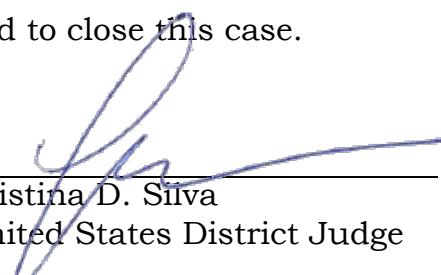
9 Las Vegas, Nevada 89101

10 *Attorneys for Plaintiff*

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ORDER

15 Based on parties' stipulation, which establishes that this court lacks subject-
16 matter jurisdiction over this dispute, IT IS HEREBY ORDERED that the Clerk of
17 Court is kindly directed to REMAND this case to the Eighth Judicial District Court,
18 Department 21, Case No. A-25-913085-C, and to close this case.

19 Dated: March 25, 2025

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Cristina D. Silva
United States District Judge

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RESPECTFULLY SUBMITTED BY

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By: /s/ Thomas E. McGrath

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